

1 William A. Delgado (Bar No. 222666)
2 wdelgado@willenken.com
3 WILLENKEN WILSON LOH & DELGADO LLP
4 707 Wilshire Blvd., Suite 3850
5 Los Angeles, California 90017
6 Telephone: (213) 955-9240
7 Facsimile: (213) 955-9250

8 Chad E. Ziegler (Admitted *Pro Hac Vice*)
9 chad@neustel.com
10 Edward K. Runyan (Admitted *Pro Hac Vice*)
11 edward@neustel.com
12 Michelle G. Breit (Bar No. 133143)
13 michelle@neustel.com
14 NEUSTEL LAW OFFICES, LTD
15 2534 South University Drive, Suite 4
16 Fargo, North Dakota 58103
17 Telephone: (701) 281-8822
18 Facsimile: (701) 237-0544

19 Attorneys for Counterclaim Defendants
20 LAGREE TECHNOLOGIES, INC., LAGREE FITNESS, INC.,
21 MAXIMUM FITNESS INCORPORATED, SEBASTIEN LAGREE and SPX FITNESS, INC.

22 UNITED STATES DISTRICT COURT
23 NORTHERN DISTRICT OF CALIFORNIA

24 LAGREE TECHNOLOGIES, INC.,
25 LAGREE FITNESS, INC., MAXIMUM
26 FITNESS INCORPORATED, AND
27 SEBASTIEN LAGREE,

28 Plaintiffs,

v.

SPARTACUS 20TH L.P., SPARTACUS
20TH G.P., INC., PHILIP R. PALUMBO,
JAKOB IRION, BODYROK
FRANCHISE, L.P., BODYROK
FRANCHISE G.P., INC., EXERCISE
TECHNOLOGIES, L.P., BODYROK
MARINA, LP., SCULPT FITNESS
BERKELEY, LLC, AND DOES 1
THROUGH 10, INCLUSIVE,

Defendants.

CASE NO.: 3:17-CV-00795-JST

**PARTIES' STIPULATION TO EXTEND
TIME FOR COUNTER-DEFENDANTS TO
RESPOND TO DEFENDANT'S FIRST
AMENDED COUNTERCLAIMS UNDER
CIVIL L.R. 6-1(a) AND ~~PROPOSED~~
ORDER.**

1 SPARTACUS 20TH L.P., SPARTACUS
2 20TH G.P., INC., PHILIP R. PALUMBO,
3 JAKOB IRION, BODYROK
4 FRANCHISE, L.P., BODYROK
5 FRANCHISE G.P., INC., EXERCISE
6 TECHNOLOGIES, L.P., BODYROK
7 MARINA, L.P., SCULPT FITNESS
8 BERKELEY, LLC, AND SPARTACUS
9 LOMBARD, L.P.,

10 Counterclaim Plaintiffs,

11 v.

12 LAGREE TECHNOLOGIES, INC.,
13 LAGREE FITNESS, INC., MAXIMUM
14 FITNESS INCORPORATED, AND
15 SEBASTIEN LAGREE, SPX FITNESS,
16 INC., AND ROES 1-10, INCLUSIVE

17 Counterclaim Defendants.

18
19 TO THE HONORABLE JON S. TIGAR AND THE CLERK OF THE COURT:

20 Pursuant to Rule 6-2(a) of the Civil Local Rules (L.R.), Counterclaim Defendants

21 LAGREE TECHNOLOGIES, INC., LAGREE FITNESS, INC., MAXIMUM FITNESS
22 INCORPORATED, SEBASTIEN LAGREE, and SPX FITNESS, INC. (“Counter-defendants”),
23 and Counterclaim Plaintiffs SPARTACUS 20TH L.P., SPARTACUS 20TH G.P., INC., PHILIP P.
24 PALUMBO, JAKOB IRION, BODYROK FRANCHISE, L.P., BODYROK FRANCHISE G.P.,
25 INC., EXERCISE TECHNOLOGIES, L.P., BODYROK MARINA, L.P., SCULPT FITNESS
26 BERKELEY, LLC, and SPARTACUS LOMBARD, L.P. (“Counter-plaintiffs”) (hereinafter
27 collectively the “Parties”), stipulate as follows:

28 WHEREAS, Counter-defendants’ deadline to respond to Counter-plaintiffs’ Amended
Counterclaims 1-11 is June 14, 2017, in accordance with Rule 15 of the Federal Rules of Civil
Procedure;

WHEREAS, the Parties dispute whether Counter-defendants’ deadline to respond to

1 newly-alleged counterclaim 12 (§ 2, Sherman Act) is due on June 14, 2017 under Rule 15 or June
2 21, 2017 under Rule 12(a)(1)(B) (the parties do not seek clarification by the Court);

3 WHEREAS, the Parties stipulate to an extension of time so Counter-defendants have to
4 respond to all of the counterclaims set forth in Counter-plaintiffs' First Amended Counterclaims
5 by June 28, 2017;

6
7 WHEREAS, the Parties have stipulated to two previous time modifications in connection
8 with responses to the Parties' respective pleadings on April 11, 2017 (dkt. No. 35) and May 18,
9 2017 (dkt. No. 51).

10 WHEREAS, this stipulation will not alter the date of any event or any deadline already
11 fixed by Court order.
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 NOW, THEREFORE, the Parties, by and through their respective counsel, hereby
2 stipulate and agree that each of the Counter-defendants' response(s) to Counter-plaintiffs' First
3 Amended Counterclaims shall be made by June 28, 2017.

4 Dated: June 14, 2017

NEUSTEL LAW OFFICES, LTD

5
6
7 /s/ Edward K. Runyan
Edward K. Runyan (*Pro Hac Vice*)
8 Chad E. Ziegler (*Pro Hac Vice*)
Michelle G. Breit (Bar No. 133143)

9
10 Attorneys for Counter-defendants,
LAGREE TECHNOLOGIES, INC.,
11 LAGREE FITNESS, INC.,
MAXIMUM FITNESS INCORPORATED,
12 SEBASTIEN LAGREE, and SPX FITNESS,
13 INC.

14 Dated: June 14, 2017


/s/ Robert P. Andris
Robert P. Andris (SBN: 130290)
15 Michael D. Kanach (SBN: 271215)
16 Kevin W. Alexander (SBN: 175204)

17 Attorneys for Counter-plaintiffs,
SPARTACUS 20TH L.P.,
18 SPARTACUS 20TH G.P., INC.,
PHILIP R. PALUMBO,
19 JAKOB IRION,
BODYROK FRANCHISE, L.P.,
20 BODYROK FRANCHISE, G.P., INC.,
EXERCISE TECHNOLOGIES, L.P.,
21 BODYROK MARINA, LP.
SCULPT FITNESS BERKELEY, LLC, and
22 SPARTACUS LOMBARD, L.P.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: June 15, 2017


UNITED STATES DISTRICT JUDGE
Honorable Jon. S. Tigar

1 **FILER'S ATTESTATION**

2 I, Edward K. Runyan, am an ECF user whose ID and password are being used to file this
3 CIVIL L.R. 6-1(a) PARTIES' STIPULATION TO EXTEND TIME FOR COUNTER-
4 DEFENDANTS TO RESPOND TO COUNTER-PLAINTIFFS' FIRST AMENDED
5 COUNTERCLAIMS. Counter-Defendants' counsel obtained Defendants' counsel's authority
6 prior to the filing of this document. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that
7 counsel for the Defendants concur in this filing.
8

9
10 /s/ Edward K. Runyan
11 Edward K. Runyan
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28